

d. The board shall adopt rules prohibiting the owner, publisher, or editor of a sham newspaper from using the sham newspaper to promote in any way the candidacy of such a person for any public office. As used in this paragraph, "sham newspaper" means a newspaper that does not meet the requirements set forth in section 618.3 and "owner" means a person having an ownership interest exceeding ten percent of the equity or profits of the newspaper.

Approved April 16, 2007

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## CHAPTER 62

### LAW ENFORCEMENT AGENCY ELECTRONIC MAIL AND TELEPHONE BILLING RECORDS

S.F. 140

**AN ACT** relating to the time period for which peace officers' investigative reports and specific portions of electronic mail and telephone billing records are to be kept confidential.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 22.7, subsection 5, Code 2007, is amended to read as follows:

5. Peace officers' investigative reports, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under this subsection only for as long as if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations would have run on a respective applicable to the crime that is under investigation has not expired.

Approved April 16, 2007

## CHAPTER 63

### CONFIDENTIAL PUBLIC RECORDS AND MEETINGS OF GOVERNMENTAL BODIES — SECURITY AND EMERGENCY PREPAREDNESS INFORMATION

*S.F. 161*

**AN ACT** relating to the confidentiality of security procedures or emergency preparedness information discussed at a meeting of a governmental body and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 21.5, subsection 1, paragraph k, Code 2007, is amended to read as follows:

k. To discuss information contained in records in the custody of a ~~public airport, municipal corporation, municipal utility, jointly owned municipal utility, or rural water district organized under chapter 357A, governmental body~~ that are confidential records pursuant to section 22.7, subsection 46 ~~50~~. ~~This paragraph is repealed effective June 30, 2007.~~

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 16, 2007

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## CHAPTER 64

### HABITUAL TRESPASS BY LIVESTOCK — FENCE ERECTION AND MAINTENANCE

*S.F. 200*

**AN ACT** providing for the liability of a landowner of land where livestock are kept or an owner of adjoining land for erecting and maintaining a fence, and providing for the assessment of property taxes.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 169C.1, Code 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. “Fence” means a fence as described in chapter 359A which is lawful and tight as provided in that chapter, including but not limited to a partition fence. For purposes of this chapter, “fence” includes a fence bordering a public road.

NEW SUBSECTION. 8. “Public road” means a thoroughfare and its right-of-way, whether reserved by public ownership or easement, for use by the traveling public.

Sec. 2. NEW SECTION. 169C.6 **HABITUAL TRESPASS.**

A habitual trespass occurs when livestock trespasses from the land where the livestock are kept onto the land of a neighboring landowner or strays from the land where the livestock are kept onto a public road, and on three or more separate occasions within the prior twelve-month period the same or different livestock kept on that land have trespassed onto the land of the